



California Fair Political Practices Commission

March 20, 1989

John P. Mott-Smith
Outreach Coordinator
Office of the Secretary of State
1230 J Street
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. I-89-108

Dear Mr. Mott-Smith:

This will confirm our telephone conversation of February 8, 1989, with respect to oral advice given regarding a mass mailing. Specifically, the question centered upon a possible exception to Government Code Section 89001 contained in our Regulation 18901 (copy enclosed).

The mailing in question involved program materials to be sent to high school principals, teachers of certain subjects (i.e. art teachers), and to prior participating schools. These materials were to be sent in conjunction with a joint program of the Secretary of State and the State Superintendent of Public Instruction. The telephone advice given was that the mailing would come within the exception set forth in Regulation 18901(f)(2) as a mailing "sent in the normal course of business from one governmental entity or officer to another governmental entity or officer."

Since then, we have reviewed Regulation 18901 in light of the well-established rule of construction that exceptions to a general rule are to be narrowly construed. (Estate of Banerjee (1978) 21 Cal. 3d 527, 540.) Therefore, should you have occasion to send another mass mailing involving the "governmental entity" exception, it would be advisable to review the proposed mailing with us prior to distribution.

Finally, please remember that the exception noted above is limited to mailings to the governmental entity or officer. Materials provided to the schools for distribution to the students would not qualify under this exception. Enclosed please find a copy of a recent advice letter which discusses

John P. Mott-Smith
March 20, 1989
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the secondary distribution issue and which you may find helpful. (Alquist Advice Letter, No. I-89-109.)

If you have any questions, you may contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel

A handwritten signature in cursive script, appearing to read "Margaret W. Ellison".

By: Margaret W. Ellison
Counsel, Legal Division

DMG:MWE:aa

Enclosures



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

ELECTIONS DIVISION
(916) 445-0820

For Hearing and Speech Impaired
Only:
(800) 833-8683

February 14, 1989

Margaret Ellison
Legal Counsel
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, California 95814

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Dear Ms. Ellison:

This is to confirm our telephone conversation of February 8, 1989 during which we discussed laws regulating mass mailings.

As we discussed, the Secretary of State, in conjunction with the State Superintendent of Public Instruction, conducts an annual program in California schools to (1) encourage eligible 18 year olds to register to vote and (2) to stimulate students of all grade levels to think and talk about democracy. This program is known as "You've Got the Power" and was initiated in 1988.

My question to you concerned whether the mass mailing restrictions in Government Code section 89001 would prohibit the use of Secretary of State Eu's or Superintendent of Public Instruction Honig's name in mass mailings sent to high school principals and teachers. These mailings would contain program materials and information. Specifically, I asked whether or not these mailings would be exempt from the restrictions of Section 89001 under the exemption provisions for mailings sent to other governmental agencies or officials.

This is to confirm my understanding of your response to my inquiry. You, in consultation with Mr. John McClean of your office, have informed me that mailings from our office to school principals and teachers are mailings to other governmental agencies and as such are exempt from the restrictions of Section 89001.

I appreciate your quick response to my questions.

Sincerely,

DEBORAH SEILER
Assistant to the Secretary of State
Elections and Political Reform

John Mott-Smith
JOHN P. MOTT-SMITH
Outreach Coordinator

JPM-S/gw



California Fair Political Practices Commission

February 21, 1989

John P. Mott-Smith
Outreach Coordinator
Elections Division
Office of the Secretary of State
1230 J Street
Sacramento, CA 95814

Re: Letter No. 89-108

Dear Mr. Mott-Smith:

Your letter requesting advice under the Political Reform Act was received on February 16, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Margaret Ellison an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329.)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths
General Counsel

DMG:plh